Reply of Government.—(*a*) Will be considered after the new Civil Procedure Code is introduced.

(*b*) Cannot be done.

SUBJECT No. 41.

Warrants for the release of properties sold by civil courts.

Mr. H. Shama Rao, Sagar Taluk.

Summary of discussion.—There is considerable delay, sometimes as much as one year, in obtaining sale certificates and release warrants with regard to properties sold by the order of civil courts after applications are made for the same. A rule of practice may be issued directing the early issue of the sale certificates and release warrants by treating each application as a separate miscellaneous case and fixing a date for the issue of the sale certificate or release warrant thereon, as the case may be.

Reply of Government.—Will be referred to the Chief Court. The Chief Judge has promised to notice the point during his inspections.

SUBJECT No. 42.

Stamp duty on partition decrees.

Mr. H. V. Bhima Rao, Malur Taluk.

Summary of discussion.—Whenever decrees for the partition of either movable or immovable properties are passed, the courts call upon the plaintiff to get these decrees stamped according to the stamp law before suing out for execution. In other words, the plaintiff has to pay a double duty for one and the same decree, *viz.*, the institution fee at 7½ per cent and again the stamp duty under the Stamp Regulation, 1900. This causes great hardship to the parties. The Stamp Regulation, 1900, may therefore be amended by excluding partition decrees from the definition of partition deeds.

Reply of Government.—Will be considered.

SUBJECT No. 43.

Refunds from civil courts to be notified to parties.

Messrs. Veerappa Reddi and Chikguruva Reddi, Bangalore Taluk.

Summary of discussion.—Amounts refunded by civil courts are not paid to their Counsel. The parties themselves not being aware of the number and date of the order of refund forfeit the claim many a time. The parties concerned may be therefore informed of the fact of refund by a notice and a fee for the service of such notice levied from the amount of the refund.

Reply of Government.—Noted. Will be referred to the Chief Court.

SUBJECT No. 44.

Fee on succession certificates.

Mr. Y. Rama Rao, Tumkur Municipality.

Summary of discussion.—The fee on succession certificates may be reduced where the amount for which a certificate is asked is not more than Rs. 1,000. Such an exemption existed till 1901. An exemption only on the first certificate is asked for.

Reply of Government.—Will be referred to the Chief Court and considered by Government.

SUBJECT No. 45.

The Central Nazirath system.

1. Mr. V. Raghavachar, Nanjangud Taluk.

2. Mr. K. Sankaranarayana Rao, Nagar Sabha.

Summary of discussion.—1. Under the Central Nazirath system civil court processes are not served in time upon parties and the consequence is delay in the disposal of cases which causes much inconvenience and trouble to the parties. The system may be modified.

2. In the present working of the system, the number of processes that are being returned unserved is increasing. The system of disbursement of batta now in vogue necessitates the deposit of batta twice or thrice, though the amount first deposited may not have been utilized. The revival of the old system is therefore necessary.

Reply of Government.—1. Will be considered after February 1909.

2. The Chief Court will enquire into this matter.

SUBJECT No. 46.

Judgments in civil courts to be delivered soon after the arguments close.

Mr. A. Narasimiah, Malvalli Taluk.

Summary of discussion.—In civil courts judgments are delivered long after the arguments are heard, which in many cases results in unfair judgments being passed. Orders may be issued directing the delivery of judgments soon after the arguments are heard.

Reply of Government.—The Chief Court has been taking action by requiring statements to be submitted showing the number of cases in which judgments have not been delivered within ten days of hearing arguments.

SUBJECT No. 47.

Employment of retired officers and officials as assessors, jurors and members of panchayets.

Mr. Hassan Ali Beg, Mysore City Municipality.

Summary of discussion.—The services of retired officers and officials who have still energy in them may be utilized as assessors, jurors and members of panchayets.

Reply of Government.—The Chief Court will select proper men as jurors. Retired officers are not exempt from service as jurors.

SUBJECT No. 48.

Recovery of costs from the aggrieved party in criminal appeal cases.

Messrs. Guru Rao and Padmannah, Nanjangud Taluk; Venkatasubbiah, Nanjangud Municipality.

Summary of discussion.—In taluk criminal courts the magistrates order the recovery of the costs of the complainant along with the fine imposed for an offence and pay the same to the complainant under Section 39 of the Court Fees Act. If on appeal the fine is excused, no provision is made for the recovery of the cost of appeal. It is therefore prayed that the necessary provision may be made for this also.

Reply of Government.—No change is desirable.

SUBJECT No. 49.

Delivery of the possession of immovable property through the revenue department from civil courts.

Messrs. Krishna Sastri, Mysore District Board, Nanjegowda and Rangasetti, Krishnarajpete Taluk.

Summary of discussion.—The delivery of possession of immovable properties to decree-holders in civil suits may be made through the revenue department to avoid complications that may arise if such delivery is made by the civil court servants, in the absence of the village servants and panchayets. Questions as to actual and symbolical possession crop up and lead to a multiplicity of suits.

Messrs. Subbanna and Raghavachar were of opinion that the existing practice caused no inconvenience, that as Amildars were not subordinate to civil courts the proposal, if adopted, would lead to great delay in the execution of decrees and that there would be the same difficulties about actual and symbolical possession.

Reply of Government.—No change is desirable.